THE CHARGE OF Sir *Clifford Wm. Philipps*, Knt. TO THE GRAND JURY OF THE Royalty of the *Tower* of *London*, Liberties, and Precincts thereof.

AT THE General *Quarter Sessions* of the Peace held for the said Royalty, on *Tuesday* the Sixteenth Day of *October*, 1744, at the Court-House on *Great Tower-Hill*.

Printed at the Desire of the Justices of the Peace *for the said* Royalty.

LONDON

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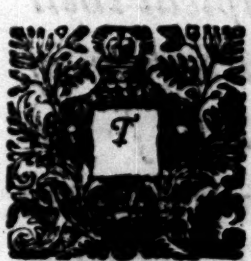
To the Worſhipful

HIS MAJESTY's Juſtices of the Peace

For the *Tower* of *London*, *Liberties* and *Precincts* thereof.

GENTLEMEN,



HE underſtanding of our Conſtitution, Rights, and Liberties, is a Part of Knowledge very requiſite, not only to Men of Learning, but to thoſe who are entruſted with a publick Character and Employment.

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DEDICATION.

It has often been mentioned by Foreigners, as a Reproach to Engliſh *Gentlemen, that their Humour often leads them Abroad to learn the Curioſities, Cuſtoms, and Inſtitutions of other Countries, before they have taken any Care to be tolerably informed of their own.*

All the Monarchies, into which Europe *is divided, have had ſome employed in collecting Materials to compleat their Hiſtories, and to draw up a Syſtem of their Laws.* Rome, *that makes ſo famous a Figure in Hiſtory, never wanted Annaliſts, who took Care to tranſmit to Poſterity whatever was memorable; and the* Decemviri, *venerable for their Age and Wiſdom, were choſen, and entruſted to draw up Laws for the Republick; what belonged to the Rites of Religion,*

Religion, and the Worſhip of the Gods; what related to the Government of the State; and what concern'd the Rights of private Families. Theſe compoſed the famous Twelve Tables of the Roman *Laws, which were for the Inſtruction of the People, and the Peace and Order of the State.*

Whoever will be at the Pains to conſult the Volumes of our Laws, will immediately perceive the Wiſdom and Propriety with which they are framed, and how well they are adapted to ſecure the great Ends of Government, to promote the general Welfare of the Community, and the Happineſs of every Member of it.

Nothing can be more evident, that while Magnanimity, Moderation, and

Fidelity

Fidelity in Treaties, ſhine ſo eminently in the KING *and his Adminiſtration, an exemplary Love of Purity and Sobriety in the Subjects, and an unbounded Zeal and Affection for the Liberty and Happineſs of our Country, in both; the Conſequence will be Succeſs in our national Intereſt, and that the Enemies of theſe ſublime Principles will inevitably ſink into Ruin, and be buried in Oblivion.*

Permit me, GENTLEMEN, *to expreſs the high Senſe I have of the Honour you did me, in placing me in the Chair, when there were ſo many Others in the Commiſſion who would have fill'd that Place with* ſuperior Abilities. *I have ventured to publiſh the following Charge at your Deſire, and under your Protection; and as the Subject of it is the Excel-*

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lency of our Conſtitution, and to recommend Religion and Virtue, Affection and Loyalty to his Majeſty and his illuſtrious Family, I flatter myſelf with the Hopes, that the Purity of my Intention will, in ſome Degree, atone for my Defect in it.

I am,

GENTLEMEN,

YOUR moſt Obliged,

Moſt Obedient,

And moſt Humble Servant,

C. W. Philipps.

Tower and Liberty of the *Tower* of *London.*

AT the General *Quarter Session* of the Peace of our LORD the KING, held at the Court-house on *Great Tower-Hill*, within the Liberty of the *Tower* of *London*, in and for the said Liberty and Precincts thereof, on *Tuesday* the Sixteenth Day of *October*, in the Eighteenth Year of the Reign of our Sovereign LORD GEORGE the Second, KING of *Great-Britain*, &c.

WHEREAS Sir *Clifford Will. Philipps*, Knight, Chairman at this General *Quarter Session* of the Peace, held for the *Tower* of *London*, the Liberties and Precincts thereof, hath this Day given to the *Grand Jury*, Sworn at this present *Session* of the Peace, held for the said Liberty a Loyal and Useful Charge: It is unanimously Agreed and Ordered by this Court, that the Thanks of this Court be, and the same are hereby given to the said Sir *Clifford William Philipps*, for such his Charge. And further, this Court desires that he would please to Cause the same to be printed.

By the Court,

Bruncker.

THE CHARGE OF

Sir *Clifford Wm. Philipps*, Knt.

Gentlemen of the Grand-Jury,

THE chief End of Civil Government was to regulate and controul Mens vicious and corrupt Paſſions, and to preſerve Peace and Order in Society. I ſhall

not take up the Time of the Court, in explaining the ſeveral Forms of Government, or its Original, that having been done before by Perſons of greater Ability: However, permit me to put you in Mind of the Excellency of our Conſtitution; in the free Exerciſe of our holy Religion, without *Popiſh* Superſtition or Idolatry; in the Security of our Perſons and Properties, from Violence and Oppreſſion; in an Adminiſtration mild and juſt; and in the Throne adorn'd with a *Proteſtant* KING, who makes the Laws the Rule of his Government. Theſe are the Bleſſings that *Engliſhmen* boaſt of, and, as ſuch, ought to be acknowledg'd by every Subject, with the warmeſt Zeal, Affection, and Loyalty.

Let us compare our present Happiness with the Miseries that attend our fellow Creatures, by War, in foreign Countries; value our Freedom, and reflect on their Slavery, whose Lives and Properties are sacrificed, to the Pride of an arbitrary and tyrannical Prince.

And this, Gentlemen, must have been our Case, had not Heaven remarkably defeated the Schemes of Tyranny, by the *Glorious Revolution*, the happy Settlement of the Crown in his Majesty's Royal House, and protected us from the common Enemy of *Europe*, in the late desperate and insolent Attempt to invade these Kingdoms: And yet, notwithstanding these distinguishing Mercies and Privileges, how is GOD's holy Name prophan'd? his At-

tributes affronted? his Religion ridicul'd and neglected? and by Infidelity, Drunkenneſs, and a Prophanation of the LORD's DAY, our Streets are become full of Rogues and Villains? theſe, animated and aſſiſted by Night-walkers, and other leud Women, commit with Impunity, the moſt notorious Robberies and Murders.

Now, to remedy theſe Evils, and prevent GOD's depriving us of the Bleſſings we enjoy, and delivering us a Prey to our Enemies, let us all, in our private and publick Stations, promote the Honour of GOD, and his holy Religion, Love and Fidelity to His Majeſty, and the Peace and Welfare of our dear Country: Let us not murmur or complain at neceſſary Taxes, raiſed for the Preſervation

vation of a PROTESTANT KING, his illuſtrious Family, a brave and free People, the Defence of our religious and civil Rights, and the common Liberties of *Europe*; let us encourage Virtue, and explode Vice, heartily aſſiſt in putting the Laws in Force, againſt Prophaneneſs and Immorality, and all other Offences againſt his Majeſty's Peace, his Crown and Dignity; for the Proſperity and Happineſs of this Kingdom depends upon a due Obedience to its Laws and Government.

Gentlemen,

FOR theſe good Purpoſes you are now ſworn: The Matters for your Enquiry are Offences againſt Almighty GOD, the KING, and your Fellow Subjects: The firſt of which is Blaſphemy and

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Prophaneneſs, and puniſhable by an Act of Parliament made in the Ninth and Tenth Year of the Reign of King *William* the Third, our late *Royal Deliverer*.

9 & 10 *W.* 3. c. 32.

THE next is *High Treaſon*, and although it may not fall within your Enquiry, yet, for your Information, and to caution every one that hears me, from unwarily committing this high Crime, I ſhall mention ſeveral Species.

BY the Statute of the Twenty-fifth of *Edward* the Third, compaſſing or imagining the Death of the King, or Queen, or their eldeſt Son and Heir, levying War againſt him, or adhering to his Enemies in his Realm, giving to them Aid and Comfort in the Realm, or elſewhere; Counterfeiting

25 *Edw.* 3. c. 2.

his

his Great or Privy Seal, or his Money in the Realm; killing the Lord Chancellor, Lord Treaſurer, Juſtices in Eyre, of Aſſize, and all other Juſtices aſſigned to hear and determine, being in their Places doing their Offices, is *High Treaſon.*

By an Act of the Thirteenth of KING *William* the Third, holding Correſpondence with the *Pretender*, or with any Perſon or Perſons employed by him, knowing ſuch Perſon to be ſo employed, is *High-Treaſon.* 13 *W.* 3. c. 3.

AND by an Act of the laſt Seſſion, any of the *Subjects* of the Crown of *Great-Britain*, within the Realm or without, holding, entertaining, or keeping any Intelligence or Correſpondence in Perſon, or by Letters, 17 *Geo.* 2.

ters, Meſſages, or otherwiſe, with either of the Sons of the ſaid *Pretender*, or with any Perſon, or Perſons employed by either of them, knowing ſuch Perſon to be ſo employed; or ſhall by Bill of Exchange, or otherwiſe, remit or pay any Sum or Sums of Money, for the Uſe or Service of either of the Sons of the ſaid *Pretender*, knowing ſuch Money to be for ſuch Uſe or Service, is likewiſe *High-Treaſon.*

4 *A.* c. 8. 6 *A.* c. 7. AND by the Fourth and Sixth of Queen *Anne*, maintaining and affirming, by Writing, or Printing, that Her then Majeſty was not lawful and rightful Queen of theſe Realms, or that the *Pretender* hath any Right to the Crown, or that any other Perſon hath a Right, but by the Act

of

of Settlement; or that the KING and Parliament cannot bind or limit the Succeſſion of the Crown, is alſo *High-Treaſon*; but maintaining the ſame by Words only, is a *Præmunire*. 16 *R.* 2. c. 5.

MISPRISION of *Treaſon*, is concealing it, though you don't conſent to it, for your Conſent would make it *High-Treaſon*.

THE next Offences for your Enquiry, are thoſe that concern your Fellow Subjects; which are all Sorts of *Felonies*, and *Miſdemeanours*: Some of the Firſt are Capital, and ſeldom or never brought before this Court, therefore I ſhall not take up your Time to mention them, but direct you to enquire principally of thoſe Offences that are

preſentable, and triable on this Commiſſion: Such as *Petty-Larceny*, which is ſtealing any Thing under the Value of Twelve-pence; *Aſſaults*, *Batteries*, *Affrays*, *Riots*, *Routs*, *unlawful Aſſemblies*, and all Breaches of the Publick Peace.

And for your better Information, I ſhall explain the Nature of theſe ſeveral *Miſdemeanours*.

An *Aſſault* ſignifies a Leaping on another, offering to beat him, though he be prevented.

A *Battery* is the wrongful beating, or wounding of another Perſon.

An *Affray* is Fighting between two, or more, and differs from an *Aſſault*; for

for the one is a common Wrong, the other is an Injury done to a particular Person: There must be a Stroke given, or offered, or a Weapon drawn, or otherwise it is not an *Affray*.

A *Riot* is, where Three or more meet with an Intent to do an *unlawful Act*, and perform it. 13 *H.* 4. c. 7. 2 *H.* 5. c. 8. 19 *H.* 7. c. 13.

A *Rout* is, Three or more Persons met together with an Intent to commit an *unlawful Act*, and move forward without doing it.

An *unlawful Assembly* is, when Three or more Persons meet together to commit an *unlawful Act*, though they depart without putting it in Exe-

 cution;

cution; but then there must be some apparent Breach of the Peace, either by turbulent Speaking, or some actual Violence.

THESE are Offences by Statute, and Common Law, and punishable by Fine, or Imprisonment, at the Discretion of the Court.

1 *Geo.* 1. c. 5. But by the Act of the first of His late Majesty, which you have now heard read, Twelve or more being unlawfully, riotously and tumultuously assembled together, to the Disturbance of the Publick Peace, and shall remain or continue so, by the Space of one Hour, after being required or commanded to disperse, and peaceably to depart to their Habitations,

or to their lawful Buſineſs, by any Juſtice of the Peace, or Sheriff of the County, or his Under-ſheriff, or by the Mayor, Bailiff, or other Head-officer, or Juſtice of the Peace of any City or Town-corporate, where ſuch Aſſembly ſhall be, by Proclamation in the KING's Name in the Form directed in the ſaid Act, ſhall be adjudged Felony without Benefit of Clergy, and ſuffer Death.

AND by the ſaid Act, any Perſons aſſembled as aforeſaid, and by Force demoliſhing, or pulling down, or beginning to demoliſh, or pull down any Church or Chapel, or any Building for religious Worſhip, certified and regiſtred according to Law, or any Dwelling-houſe, Barn, Stable, or other

ther Out-house, is also Felony without Benefit of Clergy.

33 *H.* 8. c. 9. 16 *C.* 2. c. 7. 2 & 3 *Ph.* & *M.* c. 9. 9 *Ann.* c. 14. 2 *Geo.* 2. c. 28. 12 *Geo.* 2. c. 28. 13 *Geo.* 2. c. 19.

You will present common *Gaming-houses*, so pernicious to this Kingdom. 'Tis at these Places that Gentlemen and Tradesmen, often mix with Highwaymen and Gamblers, who cheat them of their Fortunes, and instruct them in their Villanies; the Consequence of which is Loss of Reputation and Credit, Misery and Destruction to themselves and Families.

You will enquire diligently and present all *Publick-houses*, that encourage and support *Journeymen Taylors* and *Staymakers*, or other Workmen, in il-

legal

legal Combinations to raiſe their Wages above what is allowed by Law. 7 *Geo.* 1. c. 13.

THIS is an Offence, if not prevented or puniſhed, that may be of dangerous Conſequence to the Publick Tranquility, render Trade impracticable, and Property unſafe.

You will likewiſe preſent *diſorderly Houſes*, and *Baudy-houſes*, of which Sort *common Bagnios* are the moſt notorious. Theſe are the Seminaries of Wickedneſs; the Sanctuaries of Leudneſs and Debauchery; and the Expences at theſe Houſes, with Leud Women, are often the primary Cauſe of Gaming, Robbing, and Murder.

You,

4 Ga. 1. c. 11. You will also present *Buyers* and *Receivers of stolen Goods, knowing the same to be stolen*, and the Keepers of Houses and Places, that *harbour* and *conceal* Street-robbers, and other Thieves; for if their Receptacles were routed, it wou'd prevent their associating in such Numbers, as have lately appeared in the Publick Streets, to the Injury and Terrour of our Fellow-Subjects.

Gentlemen,

His Majesty, out of his Paternal Care and Concern for our Persons and Properties, as soon as he was inform'd of these Mischiefs, order'd his Secretary of State to write to the Justices of the Peace, and to recommend, in his Name, in the strongest Manner, that they would employ their Vigilance

in

in preventing and ſuppreſſing theſe Diſorders, by cauſing Rogues, Vagabonds, idle and diſorderly Perſons to be apprehended, and with Rigour puniſhed, according to Law.

THIS is ſuch an Inſtance of Royal Goodneſs and Condeſcention for our Security, as is ſcarcely to be parallell'd; and therefore ought to quicken us in the Diſcharge of our Duty in his Majeſty's Service, and upon all Occaſions to ſhow our Zeal and Readineſs to defend his Perſon, Family, and Government.

Gentlemen,

I cannot, without neglecting the Duty and Allegiance which I owe to His Majeſty, and the proper Concern

which I have for the Proſperity and Welfare of my Country, omit taking Notice, and complaining of that preſumptuous and unprecedented Licence, which has been aſſumed by ſome State Incendiaries, of inflaming, by *falſe, ſeditious and ſcandalous Libels*, the Minds of the common People, with pretended Grievances, and alarming them with imaginary Dangers.

Nor can I omit obſerving, that thoſe Libellers have had the Boldneſs and Temerity, both directly and indirectly, to controvert, oppoſe, and diſturb, as far as in them lay, by ſeditious and contumelious Writings, and thereby alſo to explode, cenſure and ridicule ſuch Meaſures as His Majeſty, in his great Wiſdom, hath thought proper

proper to take, for ſecuring the Peace, Commerce, and Happineſs of his Subjects, and the general Tranquility of *Europe*; in high and manifeſt Contempt of His Majeſty's Authority, and to the Comfort and Aid of his Enemies: from whence ſuch Miſchiefs may flow as may be of pernicious Conſequence to this Nation and People, by fixing in foreign Powers an Opinion, that we are divided among ourſelves; and thereby encourage a perfidious Enemy, to make a ſecond Attempt to invade this Kingdom, in Favour of an abjured and attainted *Popiſh Pretender*. If therefore you ſhall have an Opportunity within your Enquiry, I make no Doubt but you will give Proof of your Gratitude and Attachment to the beſt of Kings, by preſenting the Authors, Printers and Publiſhers of

weekly Libels, ſeditious Ballads and Pamphlets, to the End they may be proſecuted and puniſhed according to their Demerit.

Gentlemen,

His Majeſty's Royal Proclamation, juſt now read, demands your ſerious Attention: It is for the promoting Piety and Virtue, and a due Obſervation of the Lord's Day, commonly called *Sunday*; and for diſcountenancing and puniſhing Vice, Profaneneſs and Immorality. You will therefore preſent the Names of the Keepers of ſuch Publick-houſes as do permit

1 Jac. 1. c. 9.
4 Jac. 1. c. 5.
21 Jac. 1. c. 7.
29 Car. 2. c. 7.

Servants, or others, to *tipple* or *be drunk*, or *riotouſly* misbehave themſelves, in their Houſes on the Lord's Day,

Day, or any Part thereof, that they may be dealt with according to Law.

You will alſo preſent Common Nuſances in the Streets and Highways; Pavements out of Repair, or irregularly laid down; Scavengers and Rakers not carrying away the Filth, Dirt and Soil; Encroachments by Bulks, Cellar Windows, or Stairs, or any other Thing that is ſet out, or done in the Publick Streets or Paſſages, which obſtruct the Way, or is detrimental to the Health of, or unſafe to *His Majeſty*'s Subjects. And the ſelling corrupt and unwholeſome Victuals, which I am inform'd is often done in one Part of this Liberty. 2 W. & M. c. 8.

Gentlemen,

Gentlemen,

I have mention'd the ſeveral Matters I intended to give you in Charge, but if any further Directions are wanted, you will apply to the Court for that Purpoſe. Go together, and conſider of the ſeveral Offences I have laid before you, and may GOD give you Wiſdom, and Fidelity to diſcharge this great and important Truſt.

FINIS.